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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/812,302
Filing Date: March 20, 2001
Appellant(s): BARBER ET AL.

L. Scott Paynter
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/14/04.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is incorrect (as a result of newly allowed claims by the Examiner upon reconsideration). A correct statement of the status of the claims is as follows:

This appeal involves **claims 1-10, 12-13, 16-20, 22-26, 29-31, 33-34, 43-47, 49-53, 55-60, 62-63, 66-69 and 71-81**.

Claims 36-42 are allowed.

Claims 11, 14-15, 21, 27-28, 32, 35, 48, 54, 61, 64-65 and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (**Claims 11, 14-16, 27-28, 32, 35, 61 and 70 are newly indicated allowable claims**.)

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct, with the exception of the newly indicated allowable claims.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-10, 12-13, 16-20, 22-26, 29-31, 33-34, 43-47, 49-53, 55-60, 62-63, 66-69 and 71-81 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,815,090	Su	9-1998
5,764,138	Lowe	6-1998
3,836,842	Zimmermann et al.	9-1974
6,111,520	Allen et al.	8-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. **Claims 1 and 7** are rejected under 35 U.S.C. 102(a) as being anticipated by Su (US pat. #5,815,090) as stand in the previous Office action.

1) In considering claim 1, Su disclosed all of the claimed subject matter:

-- the claimed method of installing a pest control device (Figs. 1-3) including a communication circuit (Fig. 3), and locating the pest control device (Fig. 7 showing the "zones 1-5" locations of the devices as well as their respective sensor output status over time) after installation by receiving a wireless transmission (Fig. 3 and col. 4, lines 18-30) from the pest control device (col. 3, lines 45-64).

2) In considering claim 7, Su disclosed all of the claimed subject matter as in claim 1, including:

--the claimed said pest control device is provided with a monitoring bait during said installing and further comprising detecting at least partial consumption of the monitoring bait and installing a pesticide bait in response to said detecting (col. 5, lines 53-60 and col. 7, line 51-56).

Claim Rejections - 35 USC § 103

2. **Claim 68** is rejected under 35 U.S.C. 103(a) as being unpatentable over Su as stand in the previous Office action.

1) In considering claim 68, Su disclosed all of the claimed subject matter as in claim 1, including:

a) the claimed use of bait and pesticide (see consideration of claim 7 above);

except:

b) the claimed wherein the bait includes a pesticide.

While Su uses separate baits and pesticide members simultaneously after initial pest detection (col. 7, lines 35-56), it has been well known in the pest control art to alternatively include a pesticide with the bait so that the pest is destroyed by ingesting the pesticide during bait-consumption. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to alternatively include pesticide with the bait in a system such as taught by Su.

3. **Claims 2-3, 8-10, 12-13, 29-30, 33-34, 56, 59-60 and 69** are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Lowe (US pat. #5,764,138) under **modified ground of rejection**.

1) In considering claim 2, Su disclosed all of the claimed subject matter as in claim 1, including:

a) claimed wherein the pest control device is one of a plurality of pest control devices placed at least partially in the ground about a building during said installation, the pest control devices are each unique identified in response to an interrogation (col. 3, lines 45-64; col. 1, line 5 to col. 2, line 39), wherein unique identification for the sensors are inherent in order to distinguish the plurality of sensors according to Figs. 3 and 7;

except:

b) the claimed pest control devices each include a passive RF transmitter configured to transmit a unique identifier in response to an interrogation signal from a hand-held interrogator.

Su teaches a pest control device installed in the ground or other sites.

Zimmermann et al. teaches that a wireless passive (transmits only being interrogated, as well as having receive/transmit passive circuit components in the form of inductor 4 and capacitor 6 in Fig. 1c) RF interrogation transponder having an identifying resonant frequency (unique identifier) can be used to mark an object placed in the ground, and a hand-held interrogator can be used to interrogate, identify and locate it (Abstract and Fig. 6).

In view of the teachings by Su and Zimmermann et al., it would have been obvious to one of ordinary skill in the art at the time to include uniquely identifying interrogation transponder markers such as taught by Zimmermann et al. with pest control devices such as taught by Su installed in the ground or other sites so that the devices can be physically located (found) using the corresponding handheld interrogator of Zimmermann et al. after installation to physically distinguish one device from another and to locate them during retrieval or maintenance especially if one or more of the devices are covered as by debris or vegetation, etc.

2) In considering claim 3, Su and Zimmermann et al. made obvious all of the claimed subject matter as in claim 2, including:

--the claimed wherein the pest control device is installed at least partially below ground and further comprising servicing the pest control device after said locating (col. 7, lines 36-56 of Su).

3) In considering claims 8 and 12, Su and Lowe made obvious all of the claimed subject matter as in the consideration of claim 2 above.

4) In considering claim 9, Su and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, wherein:

--since Su teaches transmitting information about the pest control device wirelessly collected from the pest control device sensor at a wireless receiver to the data collection unit (Fig. 3 of Su), it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to also transmit the wirelessly collected unique identifiers on the handheld interrogator to the same or different data collection device for purposes such as analysis or record keeping.

5) In considering claim 10, Su and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, wherein:

--the claimed repositioning the interrogator to communicate with a third pest control device is met by the function of the hand-held interrogator whereby in use an operator holds the interrogator and moves to the proximity of individual pest control devices to interrogate the unique identifiers of each.

6) In considering claim 13, Su and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, plus the consideration of claims 2-3.

7) In considering claims 29-30, Su and Zimmermann et al. made obvious all of the claimed subject matter as in the consideration of claims 9-10, including:

--the claimed passive RF communication circuit responsive to a stimulation signal (interrogation signal of Zimmermann et al.).

8) In considering claim 33, Su and Zimmermann et al. made obvious all of the claimed subject matter as in 29, wherein:

Since Su additionally discloses that termite presence can also be detected using a variety of sensors including humidity sensor for detecting humidity contend of wood (which may be present external of the pest control device and is present in the pest control device as bait) (according to col. 5, lines 59-60 and col. 7, lines 26-35), it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include an environmental sensor such as a humidity sensor with or in the pest control device in a system such as taught by Su and Zimmermann et al. as a confirmation measure ensuring detection of termites.

9) In considering claim 34, Su and Zimmermann et al. made obvious all of the claimed subject matter as in 29, including:

--the claimed said wireless communication circuit for each of the two or more pest control devices is operable to transmit a different identification signal to uniquely identify each of said two or more pest control devices in response to a signal from said interrogator is met by the interrogating transponder implementation of Zimmermann et al. having unique identifier in combination with plurality of pest control devices of Su.

10) In considering claims 56, 59 and 60, Su and Zimmermann et al. made obvious all of the claimed subject matter as in the consideration of claims 2, 3 & 8.

11) In considering claim 69, Su and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, plus the consideration of claim 68.

4. Claims 4-6, 16-20, 22-25, 43-47, 49, 53, 56-58, 62-63, 66-67and 77-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Lowe (US pat. #5,764,138) under **modified ground of rejection**.

1) In considering claim 4, Su met all of the claimed subject matter as in claim 1, while:

Lowe teaches implementing a wireless communication link between a monitoring device (20) and a sensor device (11) in the form of a wireless RF (radio frequency) transponder using encoded circuitry for identifying (unique identifier) the sensor device (11) and a wireless interrogator (20) combination, wherein the transponder alters its transmission based on the status of the sensor (16) parameter which is transmitted back to the interrogator along with its unique identifier (Abstract; col. 3, lines 2-36 and the figure, wherein the pressure parameter sensing is used only as an illustrative example of the parameter interrogation system and thus switch 14 and sensor 16 together are consistent with the broken-circuit detection of Su in accordance with the Abstract and col. 5, lines 34-60 of Su as an intended use).

In view of the teachings by Su and Lowe, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that a non-specified wireless link between the pest sensing pest control device and the corresponding wireless receiver that is connected by wire to the central data collection unit in Fig. 3 of Su can be implemented by a known configuration such as taught by Lowe.

2) In considering claim 5, Su and Lowe made obvious all of the claimed subject matter as in claim 4, including:

--the claimed bait member (col. 5, lines 53-60 of Su) included on the pest control device, and the method comprises receiving a bait status signal in response to the interrogation signal (the reported bait status indicating voltage output in Fig. 7 of Su in view of the parameter status bit of col. 3, lines 32-36 of Lowe indicative of status of whether termites are chewing on the bait as well as the circuit traces).

3) In considering claim 6, Su and Lowe made obvious all of the claimed subject matter as in claim 5, including:

--the claimed transmitting information about the pest control device from the interrogator to a data collection device (Fig. 3 of Su).

4) In considering claims 16-18, Su and Lowe made obvious all of the claimed subject matter as in the consideration of claim 4, plus:

a) Su disclosed the claimed pest control device (Figs. 1-3) comprising at least one bait member operable to be consumed or displaced by on e ore more species of pest (col. 5, lines 53-63), and a communication circuit (Fig. 3) responsive to a wireless interrogation signal to transmit a signal corresponding to the pest control device (col. 3, lines 45-64; col. 1, line 5 to col. 2, line 39), wherein discrete unique identification for corresponding pest control device is inherent in order to distinguish the plurality of pest control devices according to Figs. 3 and 7;

b) claimed multibit code assigned to the pest control device (col. 3, lines 9-25 of Lowe);

c) claimed passive RF communication circuit (passive in nature since it transmits only being interrogated, as well as having receive/transmit passive circuit components in the form of inductor 13 and capacitor 15 in the figure of Lowe) responsive to a stimulation signal (interrogation signal of Lowe);

d) claimed said communication circuit includes an active RF transmitter/receiver (active components of transponder chips 12a-12b part of the transmitter/receiver 11 in the figure of Lowe constitutes active RF communication circuit).

5) In considering claim 19, Su and Lowe made obvious all of the claimed subject matter as in claim 16, including:

--the claimed electrically conductive loop (Figs. 4-5 of Su) coupled to said passive RF communication circuit, said loop being arranged to be altered during consumption or displacement of said bait member to provide status signal having a first state indicating said loop is electrically closed and a second state indicating said loop is electrically open (col. 5, lines 34-63 of Su in combination with Fig. 1 of Lowe).

6) In considering claim 20, Su and Lowe made obvious all of the claimed subject matter as in claim 16, including:

--the claimed housing (Figs. 4-5 of Su).

7) In considering claim 22, Su and Lowe made obvious all of the claimed subject matter as in claim 16, including:

--the claimed further comprising a sensor for measuring a change in at least one of temperature, humidity or barometric pressure (humidity sensor according to col. 7, lines 26-35 of Su).

8) In considering claims 23-26, Su and Lowe made obvious all of the claimed subject matter as in the consideration of claims 4-6, including:

--the claimed passive RF communication circuit (passive in nature since it transmits only being interrogated, as well as having receive/transmit passive circuit components in the form of inductor 13 and capacitor 15 in the figure of Lowe) responsive to a stimulation signal (interrogation signal of Lowe).

9) In considering claim 43-45 and 49, Su and Lowe made obvious all of the claimed subject matter as in the consideration of claims 34 and 5-6.

10) In considering claim 46, Su and Lowe made obvious all of the claimed subject matter as in claim 43, including:

--the claimed said communication circuit includes an active RF transmitter/receiver (active components of transponder chips 12a-12b part of the transmitter/receiver 11 in the figure of Lowe constitutes active RF communication circuit).

11) In considering claim 47, Su and Lowe made obvious all of the claimed subject matter as in claim 43, wherein:

Since Su additionally discloses that termite presence can also be detected using a variety of sensors including humidity sensor for detecting humidity contend of wood (which may be present external of the pest control device and is present in the pest control device as bait) (according to col. 5, lines 59-60 and col. 7, lines 26-35), it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include an environmental sensor such as a humidity sensor detecting parameters indicative of termite presence with or in the pest control device in a system such as taught by Su and Lowe as a confirmation measure ensuring detection of termites.

12) In considering claim 56-58, 66-67 and 75-77, 79 and 81, Su and Lowe made obvious all of the claimed subject matter as in the consideration of claims 6 and 16-18, plus Figs. 3, 4, 5a of Su.

13) In considering claim 62, Su and Lowe made obvious all of the claimed subject matter as in 56, including:

--the claimed wherein at least one pest control device includes an environmental sensor (humidity sensor according to col. 7, lines 26-35 of Su).

14) In considering claim 63, Su and Lowe made obvious all of the claimed subject matter as in 62, wherein:

--the claimed comparing the data from the pest control device sensor to pest activity in the pest control devices is met by the monitoring and comparing shown by Figs. 7-8 of Su.

15) In considering claim 71, Su and Lowe made obvious all of the claimed subject matter as in claim 16, plus the consideration of claim 68.

16) In considering claim 72, Su and Lowe made obvious all of the claimed subject matter as in claim 16, including:

--said at least one bait member includes a monitoring bait (Figs. 4-5a of Su.)

17) In considering claim 73, Su and Lowe made obvious all of the claimed subject matter as in claim 63, except:

--specifying the claimed predicting future behavior of the one or more species of pest from said evaluating.

However, since Su disclosed recording multiple zones of pest activities over a period of time for evaluation and analysis (Figs. 7-8) for determining action to be taken, such as future placement of pest control devices and toxins in terms of location and number, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to predict future behavior of the pest from the evaluating in order to plan and determine such future placements in a system such as taught by Su and Lowe.

18) In considering claim 74, Su and Lowe made obvious all of the claimed subject matter as in claim 56, plus the consideration of claim 68.

19) In considering claim 78, Su and Lowe made obvious all of the claimed subject matter as in claim 75, plus the consideration of claim 19.

20) In considering claim 80, Su and Lowe made obvious all of the claimed subject matter as in claim 75, plus the consideration of claim 68.

5. **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Lowe and Zimmermann et al. under **modified ground of rejection**.

1) In considering claim 31, Su and Zimmermann et al. made obvious all of the claimed subject matter as in claim 30, while:

Lowe teaches a transponder having transponder chip in addition to resonant circuit comprising an inductor and capacitor in order to provide an encoded unique identifier (col. 3, lines 14-25) and

comprises the claimed active RF communication circuit (active components of transponder chips 12a-12b in the figure of Lowe constitutes active RF communication circuit).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include transponder chip for encoding the unique identifier such as taught by Lowe in addition to a mere identifying unique resonant frequency in the transponder devices of Su and Zimmermann et al. in order to ensure uniqueness of the identifiers especially if the number of devices and corresponding identifiers gets larger which are better handled using encoding than mere unique frequencies.

6. **Claims 50-53 and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Lowe and Allen et al. (US pat. #6,178,834) under **modified ground of rejection.**

1) In considering claims 50-53, Su and Lowe disclosed all of the claimed subject matter as in the consideration of claims 6, 16-17 and 47, including:

a) the claimed pest sensor (Figs. 4-5 of Su);

except:

b) the claimed passive RF transmitter transmitted information corresponding to a first environmental characteristic detected with an environmental sensor and pest detection status determined with said pest sensor.

Su teaches a pest control device including a pest presence status monitoring circuit having a pest presence sensor so that the status can be interrogated and location determined (col. 3, lines 45-64 and col. 4, lines 18-30 and Figs. 2-3 & 7) wherein status information once obtained from the sensor is wirelessly reported to a remote data collection unit from the sensor locale, and also suggested that termites prefer humid and warm climates (col. 5, lines 59-60), and teaches using a sensor for monitoring humidity changes (humidity sensor according to col. 7, lines 26-35).

Allen et al. teaches that an interrogated transponder can be used to communicate status of a plurality of sensed parameter parameters (Fig. 9, which communicates both temperature and pressure parameters).

In view of the teachings by Su, Lowe and Allen et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to report both pest status and humidity sensor status of Su and Lowe to the remote center using a transponder modulation method such as frequency and bandwidth modulation techniques taught by Allen et al. for implementing collection for multiple sensor parameters (open-circuit pest presence detection status and humidity change status) in

the pest control device in order to provide both such status information to the remote center for more comprehensive analysis of pest conditions without the need for separate communication means for the separate sensors.

2) In considering claim 55, Su, Lowe and Allen et al. made obvious all of the claimed subject matter as in claim 50, including:

--the claimed plurality of pest control devices (Figs. 2-3 of Su).

(11) Response to Argument

1) In the above rejection, claims 11, 14-16, 27-28, 32, 35, 61 and 70 are newly indicated as having allowable or having allowable subject matter, mainly for the claimed embodiment (claims 11, 14-16, 27-28, 35, 61 and 70) of using the same wireless handheld interrogator to obtain both pest control device identification and pest/bait status information, and the claimed embodiment (claim 32) of including magnetic material with the bait of the pest control device wirelessly interrogated by a handheld interrogator, whereby Applicant has clarified in the Appeal Brief remarks that such bait magnetic material is "directed to sensing a magnetic field to gather information about pest activity" as opposed to happenstance of its existence in the bait.

--As a result, claims 11, 14-16, 27-28, 32, 35, 61 and 70 are no longer part of the Appeal and Applicant's arguments directed to them are moot.

2) Regarding claims 1 and 7 (rejection maintained), the Su description regarding the wireless monitoring option was brief but nevertheless is of the extend sufficient to meet the similarly broadly claimed language/limitations of claims 1 & 7. Su is obviously relying on well-known and conventional wireless technology and thus did not go into further details regarding Fig. 3. Furthermore, it is noted that the validity or enablement of the Su patent can not be questioned here. Additionally, Applicant has not pointed out specifically which feature(s),

arrangement, relationship or organization of claims 1 & 7 is/are not met by Su. For examples, the Su reference does not need to specify unclaimed (in claims 1 & 7) limitations including the kind of wireless communication preferred, communication/signal format, or whether a wireless communication device would be included in a housing or given assembly, or integral to or can be separate from a sensor, as long as "the sensors communicate with the data collection unit over independent wireless links formed using wireless communication devices" as an alternative to wired transmissions (see col. 4, lines 20-30 of Su) in the invention including the embodiment of Fig. 7. The locating of a pest control device after installation by receiving wireless transmission from such a device is clearly shown in Fig. 7 of Su showing the monitor output voltages of each pest control device, the time of each such outputs, and the corresponding zones/locations (zones 1-5) for the pest control devices. It is clear that each of the zones 1-5 in Fig. 7 designates to a user a location corresponding to the physical/geographical placement of a pest control device. Thus, by virtue of receiving a wireless transmission signal indicative of its status via sensor output voltage readings from a pest control device after installation and responsively able to display/convey such status along with its designated location zone to a user, the device is being "located", and the claimed step of "locating the pest control device after installation by receiving a wireless transmission from the pest control device" is thus being met by Su. It is also noted that Applicant's allegation that the claim 1 "locating" limitation refers to "finding" the device as through a handheld unit (Applicant's alluding to US Pat. #6,6836,842 to Zimmermann et al.) is not specified or claimed in claims 1 & 7, but appeared in other claims which are correspondingly rejected under different grounds. Furthermore, the pest control device sensor shown in Figs. 4,

5a, 5b of Su in combination with the alternative wireless form of the same sensor as depicted in Fig. 3 clearly meets the limitations of claim 7.

3) Regarding claim 68 (rejection maintained), while the Su disclosure indeed indicates the detection of termites using baits before pesticide application, it does not preclude the application of bait having a pesticide. Col. 7, lines 51-56 of Su states "In addition to the practice of replacing monitoring devices with toxicant deliver devices, another embodiment of the invention comprises a monitoring device which remains in place and a toxicant delivery device which can be added to, or fitted around, the monitoring device if the need arises to deliver toxicant." This indicates that a pest control device initially having a bait without pesticide can be used, and once termite presence has been detected, a pest control device having bait and pesticide combination is used (e.g. by addition of pesticide to the initially bait-only pest control device). Since addition of pesticide to the pest control device having bait can be practiced by introduction of a bait-and-pesticide combination, Applicant's assertion that the combined use of bait and pesticide simultaneously is a negative teaching in Su is thereby rebutted. Furthermore, the use of the combination of a bait and pesticide does not preclude or effect the detection of pests in the resulting simultaneous detection using bait and extermination using pesticide. As such, one skilled in the art would have readily recognized that the well known simultaneous application of pest bait and pesticide can be used in the Su teaching as an alternative, for example to reduce a two-step procedure into a single step one such as when bait needs to be replenished during pesticide introduction.

4) Claims 2-3, 8-10, 12-13, 29-30, 33-34, 56, 59-60 and 69 are rejected under the new combination of Su in view of Zimmermann et al. Mainly, Zimmermann et al. is used as a

locating device/method to help locate a device or object, in this case one or more pest control devices, placed in the ground. Motivation for this combination as well as rejection detail are provided above in the rejection section. As a result, Applicant's arguments regarding this set of claims are moot with any exception to be addressed further in the following sections.

5) Claims 4-6, 16-20, 22-25, 43-47, 49, 53, 56-58, 62-63, 66-67and 77-81 are rejected under the new combination of Su in view of Lowe. Mainly, the unspecified wireless link between the pest control device and the wireless receiver that receives pest control information and delivering it to the data collection device is being implemented using a known wireless link taught by Lowe in the form of a wireless RF interrogator and transponder/sensor combination. Motivation for this combination as well as rejection detail are provided above in the rejection section. As a result, Applicant's arguments regarding this set of claims are moot with any exception to be further addressed in the following sections.

6) Claim 31 is rejected under the new combination of Su, Lowe and Zimmermann et al., while claim 53 is rejected under the new combination of Su, Lowe and Zimmermann et al. Mainly, "active circuitry" or "active transponder/transmitter/receiver", appearing in claims including claims 31 and 53, have been known in the art to mean "circuitry or transponder/transmitter/receiver having active circuit components, such as IC chip components, transistors, etc.", and "passive circuitry" or "passive transponder/transmitter/receiver" has been known in the art to mean the transponder/transmitter/receiver does not respond until being interrogated, or having passive components including inductors and/or capacitors, among other meanings. **In order to address Applicant's arguments, simplify the rejections and make them stronger, these terms in all relevant claims including claims 31 and 53 have been**

reinterpreted as indicated here, which in the instances of rejections of claims 31, 46, 53, 77 and 79 eliminated the need for the Moskowitz et al. reference. See above rejection for detail. As a result, Applicant's arguments regarding claims concerning these terms/features are moot with any exception to be further addressed in the following sections.

7) Regarding claims 33, 47, 50-53 and 55, the above rejections clarify the obviousness of using both of the 2 disclosed termite presence sensors of different parameters in the control device response (claims 50-53 and 55) or in/with the control device (claims 33 and 47 merely recite that the pest control device includes a environmental sensor, which require only that they are connected together) as a measure to ensure termite presence detection and provide more information for more comprehensive analysis of termite infestation. See above rejections for detail.

For the above reasons, it is believed that the above rejections should be sustained.

Respectfully submitted,

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September 27, 2004

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